

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.3637 OF 2005

Office Notes, Office Court's or Judge's orders
Memoranda of Coram
appearances, Court's orders
or directions and
Registrar's orders

Mrs.U.V.Kejriwal, APP for
applicant/state.

**Coram : R.M.S.Khandeparkar &
R.S.Mohite, JJ**

Date : 19.12.2005.

PC
. Heard.

1. There is a delay of 151 days in filing the appeal. Considering the facts disclosed in the application, we are satisfied that there is sufficient cause for delay in filing the appeal besides the appeal is against the order acquitting the accused for the offence punishable under Section 302 of IPC. Perusal of the impugned Judgment prima facie, discloses justification for

filing of the appeal against the impugned order. In the circumstances, delay needs to be condoned.

2. The learned Advocate for the respondent sought to rely upon the two Judgments, one in the case of **State v. Ram Kali** reported in **AIR 1987 JAMMU AND KASHMIR 71** and another in the case of **State of Bihar V. Dhajadhari Rai** reported in **AIR 1985 PATNA 187**. We have perused the said decisions. However, in the facts and circumstances of the case in hand, the observations in the said judgments do not justify reliance on such judgments to reject the application filed by the State for condonation of delay in filing the appeal. The expression sufficient cause for the purpose of condonation of delay will have to be considered bearing in mind the facts of each case.

3. Considering the facts disclosed in the application in hand, we are satisfied that there was sufficient cause for delay in filing the appeal and hence, delay of 151 days in filing the appeal is condoned.

4. The amount directed to be deposited towards the cost shall be credited to the account of Maharashtra Legal Aid Services.

(R.M.S.Khandeparkar, J)

(R.S.Mohite, J)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.3636 OF 2005

Office Notes, Office Court's or Judge's orders
Memoranda of Coram
appearances, Court's orders
or directions and
Registrar's orders

Mrs.U.V.Kejriwal, APP for
applicant/state.

**Coram : R.M.S.Khandeparkar &
R.S.Mohite, JJ**

Date : 19.12.2005.

PC
. Heard.

1. Leave to appeal granted.
Consequently appeal stands
admitted. Action under Section
390 of Cr.P.C. to follow.

(R.M.S.Khandeparkar, J)

(R.S.Mohite, J)